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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 65/112, the Secretary-General submitted to the Assembly at its sixty-sixth session a report on the question of Western Sahara (A/66/260). The report covered the period from 1 July 2010 to 30 June 2011 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, pursuant to Security Council resolution 1920 (2010), the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara (S/2011/249).

3. In that resolution, the Security Council, having considered the report of the Secretary-General (S/2010/175), among other things, reaffirmed the need for full respect of the military agreements with regard to the ceasefire, and called upon the parties to adhere fully to those agreements. The Council went on to welcome the parties' agreement with the suggestion of the Personal Envoy of the Secretary-General to hold small, informal talks in preparation for a fifth round of negotiations and called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of the relevant resolutions. The Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2011.

4. Pursuant to Security Council resolution 1920 (2010), the Secretary-General submitted a report dated 1 April 2011 to the Security Council (S/2011/249). In that report, the Secretary-General informed the Council that by the end of the four rounds of informal talks held during the period from March 2010 to March 2011, no progress had been registered on the core issues of the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara is to occur. The Secretary-General informed that his Personal Envoy undertook a third visit to the region from 17 to 25 March, where he met with the Heads of State of Algeria, Mauritania and Morocco, the Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamre y de Rio de Oro (Frente Polisario) and other senior officials.

5. The Personal Envoy and the Office of the United Nations High Commissioner for Refugees (UNHCR) engaged unsuccessfully with the parties to seek a resolution that would open the way to the resumption of flights, following their suspension in March 2010. In July, the Personal Envoy visited London, Paris and Madrid, where he found recognition of the need to move beyond the status quo, a readiness to work with him and the parties to promote more substantive engagement and more flexible discussions, and agreement on the need to intensify work on confidence-building measures. Owing to the sudden death of Mafoud Ali Beiba, the head of the Frente Polisario delegation, the third round of informal talks, scheduled for August 2010 had to be postponed. The Personal Envoy's fourth visit to the region, in October 2010, coincided with increased tensions arising from the establishment by Saharan residents of the Laayoune camp.

6. The third round of informal talks, held on Long Island, New York, from 7 to 10 November 2010, coincided with Moroccan action to dismantle the Gdim Izik protest encampment outside Laayoune. Throughout the round, the Frente Polisario and Morocco accused each other repeatedly of escalating tensions and engaging

accusations of human rights violations both in Western Sahara and in the refugee camps in the Tindouf area. By the end of the first session, it was clear that, as in the past, neither party accepted the proposal of the other as the sole basis of future negotiations. The Personal Envoy then proposed to the parties that they reflect on how to create a new dynamic at future rounds by pondering innovative approaches for the negotiating process and identifying subjects that could be discussed irrespective of the definitive status of Western Sahara

7. For the session of confidence-building measures, the Personal Envoy sought and obtained the participation of the neighbouring States and observers in the negotiation, Algeria and Mauritania, in the discussions for the first time. At the same time, the neighbouring States reiterated that the core issues must be addressed solely by the parties, Morocco and the Frente Polisario. The Personal Envoy stressed that present and future confidence-building measures were humanitarian in nature and should not be subjected to political considerations. He urged the parties to resume the family visits by air unconditionally and without delay, and obtained an agreement.

8. The fourth round of informal talks was held from 16 to 18 December 2010 in Long Island, New York. As agreed at the previous round, the parties engaged in preliminary discussions on innovative approaches and on discrete subjects of discussion irrespective of the definitive status of Western Sahara. However, the atmosphere was once more affected by the aftermath of the events in Laayoune. At the end of the round, the Personal Envoy called upon the parties to create a new dynamic in 2011 on the basis of regular meetings and to avoid actions that undermined the creation of the atmosphere of trust needed for progress to be made.

9. The fifth round of informal talks was held from 21 to 23 January 2011. The Personal Envoy invited the parties to continue exploring innovative approaches and subjects for discussion. The parties responded by making concrete proposals for over a dozen innovative approaches and some 10 subjects for discussion. The parties were unable to reach a consensus on any subject other than on the "innovative approach" of having the Personal Envoy intensify and diversify his activities.

10. The sixth round of informal talks was held in Mellieha, Malta, from 7 to 9 March 2011. At the request of the Personal Envoy, parties engaged once more in a discussion on their respective proposals and had a positive exchange of views, without really engaging in serious negotiations. With regard to subjects to be discussed, the parties agreed to examine two proposals: the demining programme and the natural resources of Western Sahara and their use. With regard to innovative negotiating approaches, the parties finally agreed to examine three subjects: what constitutes provocation and how to avoid it; what measures can be taken to calm the situation (*apaisement*); and what diversified and complementary activities the Personal Envoy could undertake.

11. In his report to the General Assembly (A/66/260) the Secretary-General said that the parties had agreed to hold another round of informal talks in July 2011 to examine the proposals of April 2007 yet again and to discuss one or more of the innovative approaches or specific subjects.

12. As for maintenance of the ceasefire, the Secretary-General informed the Security Council that the United Nations Mission for the Referendum in Western Sahara (MINURSO) had observed and recorded 126 new violations by the Royal

Moroccan Army, representing a considerable increase from the 24 recorded during the previous reporting period. Violations by the Royal Moroccan Army included the construction of new buildings along a temporary deployment line 15 km west of the berm, all without the prior approval of MINURSO. The Mission observed a total of 12 new violations by the military forces of the Frente Polisario, an increase compared with the 5 violations recorded during the previous reporting period. Those violations were related mainly to the incursion of military elements, including some equipment, into the buffer strip, the redeployment of one observation post, the unauthorized maintenance of a building in the restricted area and the redeployment of weapons in the Tifariti area. During the reporting period, restrictions on the freedom of movement of MINURSO military observers by both parties increased significantly.

13. On mine action, the Secretary-General informed the Security Council that during the reporting period, a total of eight accidents had been reported, involving one death and 18 injuries among the local population, representing a decrease compared with the previous reporting cycle. Landmine Action cleared cluster munitions and unexploded ordnance in 6.8 million m^2 of land east of the berm.

14. With regard to humanitarian activities, the main areas of support were food distribution, water and sanitation, education, transport and logistics, health, agriculture, shelter, protection and community services. In 2010, the World Food Programme (WFP) provided 90,000 general food rations and 35,000 supplementary general food rations to the most vulnerable refugees each month. It also distributed about 25,200 tons of assorted commodities. UNHCR provided complementary food. In addition, the two agencies conducted 45 general food basket distribution visits to different food distribution points in the camps each month. WFP collaborated with UNHCR and other partners to produce a nutrition strategy and to integrate activities in child health and nutrition. A joint nutrition survey conducted in October and November 2010 will serve as a baseline for interventions to be carried out under an integrated framework. Delegations from the parties and neighbouring States met with UNHCR representatives in the presence of the Personal Envoy and the Special Representative of the Secretary-General in Geneva on 9 and 10 February 2011.

15. UNHCR continued to supply refugees with potable water, constructing new water networks to reduce the cost of water delivery by truck. In the education sector, UNHCR provided 127,540 school books, rehabilitated two primary schools and trained 1,756 teachers in curriculum development and pedagogy. The United Nations Children's Fund (UNICEF) provided school furniture. In the health sector, UNHCR and WFP, through the Algerian Red Crescent, provided a supplementary feeding programme to moderately malnourished children under age 5, and to pregnant and lactating women in all camps. To enhance the protection of refugees, UNHCR supported the legal establishments in the Tindouf camps.

16. On confidence-building measures, the Secretary-General informed the Security Council that the exchange of family visits by air and free telephone services experienced significant setbacks during the reporting period. The family exchange programme was halted on 26 March 2010 owing to a disagreement between the parties over the eligibility of a beneficiary.

17. Following intensified efforts made by the United Nations High Commissioner for Refugees and the Personal Envoy, UNHCR chaired a meeting in Geneva on 9 and 10 February 2011 with representatives from both parties, as well as

representatives from Algeria and Mauritania as observers. The participants reaffirmed the importance of the programme on confidence-building measures and the need to find ways and means to maximize the links between families that had been divided by conflict for 36 years.

18. Family visits by air were resumed on 7 January 2011. Since then, eight round trips have been conducted, enabling 894 persons to travel or receive relatives on both sides.

19. On human rights, the Secretary-General informed the Security Council that as detailed in his report, there had been allegations of violations of human rights in the Territory and the refugee camps during the reporting period. MINURSO does not have a specific human rights mandate, and the Office of the United Nations High Commissioner for Human Rights has no presence in the Territory or in the refugee camps in Tindouf.

20. In his observations and recommendations, the Secretary-General expressed his concern about the deterioration of the security situation in Western Sahara, regretted the loss of lives and property that occurred during the violence in Gdim Izik and Laayoune and called on the parties to refrain from resorting to violence in the future. He also said that current circumstances might suggest a way forward and suggested that the Security Council recommend three initiatives detailed in his report, to the parties. The Secretary-General stated that both parties had responsibilities to ensure the protection of human rights and took note of the recent initiatives of Morocco, which encompass national institutions as well as the proposed fuller use of the mechanisms of the Human Rights Council.

21. The Secretary-General welcomed the resumption of family visits, as well as the parties' commitment to make progress on the visits by road and agreement to resume the cultural seminars. He noted the progress in the clearance of land mines and explosive ordnance of war and the decrease in mine accidents recorded during the reporting period. He went on to express his concern with the increase in violations of military agreement No. 1 by the parties and called on them to adhere fully to its provisions and to extend their full cooperation to MINURSO.

22. The Secretary-General noted that as the United Nations marked the 20-year anniversary of MINURSO and the successful maintenance of the ceasefire in 2011, the situation of Western Sahara remained unresolved and negotiations continued. He went on to note that the situation on the ground had changed dramatically in 20 years, with remarkable differences between the Territory west and east of the berm. The role and activities of MINURSO are met with increasing challenges. By way of example, he noted that all activities in preparation of a referendum on self-determination had been suspended owing to the disagreement between the parties.

23. The Secretary-General believed that the presence of MINURSO, as the sole presence of the United Nations in the territory, with the exception of a small UNHCR office, and as guarantor for the stability of the ceasefire, remained relevant. He sought the assistance of the Security Council in reaffirming the role of MINURSO and ensuring that the minimum conditions for its successful operation are met. In this context and in light of the continuing efforts of his Personal Envoy, he recommended that the Security Council extend the mandate of MINURSO for a further 12 months, until 30 April 2012.

II. Consideration by the Security Council

24. Following consideration of the report of the Secretary-General on the situation concerning Western Sahara (S/2011/249), on 27 April 2011, the Security Council unanimously adopted resolution 1979 (2011), by which, among other things, it reaffirmed the need for full respect of the military agreements, called on all parties to cooperate fully with the operations of MINURSO and to ensure the security of as well as unhindered and immediate access for the United Nations and associated personnel in carrying out their mandate, called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue and to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2012.

III. Consideration by the General Assembly

25. During the general debate at the sixty-sixth session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate on 4, 5 and 6 October 2011 the Special Political and Decolonization Committee (Fourth Committee) heard statements by 59 petitioners on the question of Western Sahara (see A/C.4/66/SR.3, 4 and 5). On 3, 6 and 10 October 2011, 31 Member States addressed, among other things, the issue of Western Sahara. Some of them strongly supported the right of the Saharawi people to self-determination, reaffirmed their support for the relevant General Assembly and Security Council resolutions, the efforts of the Secretary-General and his Personal Envoy for Western Sahara and stressed the importance of expanding the mandate of MINURSO to include a human rights component. Others believed that the autonomy plan by Morocco offered a realistic and viable option and could provide the best prospect for achieving a mutually acceptable solution to this question (A/C.4/66/SR.2, 5 and 6).

26. At its 6th meeting, on 10 October 2011, the Committee approved without a vote a draft resolution entitled "Question of Western Sahara" (A/C.4/66/L.5), submitted by the Chair. After the adoption of the draft resolution, the Observer for the European Union made a statement, speaking also on behalf of the candidate countries Croatia, Montenegro, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and, in addition, Georgia, Norway and the Republic of Moldova. The Representative of Benin also made a statement (A/C.4/66/SR.6)

27. On 9 December 2011, the General Assembly adopted the draft resolution without a vote, as resolution 66/86. In that resolution, the General Assembly, among other things, welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious to dialogue, welcomed the ongoing negotiations between the parties; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the

situation in Western Sahara and to report thereon to the General Assembly at its sixty-seventh session; and invited the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the implementation of the resolution.